

Civil Procedure

Prof. Marie-Amélie George



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Course Description

Rep. John Dignell once said: “If I let you write the substance and you let me write the procedure, I’ll screw you every time.” As he recognized, procedure is a lawyer’s secret weapon—it can mean the difference between winning and losing a case.

Civil Procedure is the “how” of law. More specifically, it’s how to sue people in federal court. Your other courses this year will teach you some of the substantive rights people have. In this class, you will learn how to bring a lawsuit to vindicate those tort, contract, property, and constitutional claims. In other words, this class will teach you how to give effect to the rights that people have.

Becoming a great lawyer is not just about learning rules in a book. You must also know how to *use* the rules to advocate for your client. My goal is for you to be a great lawyer. As a result, by the end of the semester, you will be able to:

- Understand the procedural rules that govern civil litigation;
- Apply these procedural rules to new sets of facts;
- Solve procedural problems;
- Explain and apply the principles governing jurisdiction, venue, pleadings, discovery, trials, appeal, choice of law, and preclusion;
- Analyze how procedural rules affect substantive outcomes;
- Be friends with the Federal Rules of Civil Procedure!

Because we will be focused on developing the critical skills that every lawyer needs to succeed, this course will help you even if you never practice civil litigation.

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Policies & Procedures

Readings

The required texts for this course are:

- Joseph W. Glannon, et al., *Civil Procedure: A Coursebook* (4th edition 2021).
- Federal Civil Rules of Civil Procedure (eff. Dec. 1, 2023).
- Other materials as assigned (posted on Canvas)

You are not required to use any study guides, but if you would like to consult one, I recommend Joseph W. Glannon's *Civil Procedure (Examples & Explanations)*.

Unless otherwise indicated, page numbers in your syllabus refer to your Glannon coursebook. FRCP refers to the Federal Rules of Civil Procedure. Any other materials I assign will be available on Canvas. You are responsible for reading all the assigned class material, whether or not we cover all of the material during class.

Class Discussions

Procedure is related to the basic fairness of the justice system. As a result, our conversations may touch on deeply held beliefs or challenge your ideas about the legal system. I expect that we will treat one another with dignity and respect in these debates, even where we disagree.

In these conversations, I know that I will likely make mistakes. If I say something that you think is misguided or offensive, please email me or meet with me to discuss it. I want to make our classroom a space for candid and honest discussions.

Accommodations

I am committed to making our classroom a safe and accessible space for all members of our community. If you have questions about accommodations or supportive measures, including situations in which English is not your native language, please review the guidance available in Chapter 8 of the Student Handbook, or contact Assistant Dean of Student Affairs Branden Nicholson at lawstudentaffairs@wfu.edu (<mailto:lawstudentaffairs@wfu.edu>).

Computer and Technology

You are welcome to use a computer to take notes during class, but if you choose to do so, please be respectful of those around you. If laptop use becomes a detriment to classroom learning, I reserve the right to implement an individual or class-wide ban.

Cell phones must be silenced and put away. If you have a legitimate need to leave your cell phone out, please speak to me ahead of time.

Students are not allowed to use advanced automated tools (artificial intelligence or machine learning tools such as ChatGPT) on any assignments in this course, whether graded or ungraded.

Class Polling

We will use real-time polling in class. Please sign up for a free account at <https://www.polleverywhere.com/>  https://www.polleverywhere.com  <https://www.polleverywhere.com/>.

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Grading

Your grade has three components: attendance and participation (10%), review assignments (20%), and the final exam (70%).

Attendance and Participation

I expect everyone to attend class on time. It is distracting for someone to enter the classroom after class has begun. Consistently arriving late to class will lower your final grade. I also expect everyone to attend every class. In accordance with the law school's policy on class attendance, students who miss five or more classes will not be permitted to sit for the final exam absent illness or extraordinary circumstances.

I will record all class sessions, although please keep in mind that technical problems or human error may prevent successful recording. As a result, if you miss class, you should ask a fellow classmate to take notes for you. All recordings will be available for viewing only by students enrolled in the class via Canvas and may be used solely for the purpose of participating in the course. You may not download, copy, post online, or otherwise distribute any portion of the recordings for any purpose.

Attendance is more than presence – it is also active participation. I therefore expect you to keep up with the reading and attend prepared to discuss the materials. In addition to voluntary class participation – which I encourage! – I will randomly call on students during each class, using a panel system. During these cold calls, I do not expect you to be perfect. These are opportunities to learn, not tests of your knowledge.

I understand that sometimes, for whatever reason, you would prefer to not be called upon to speak on a particular day. Please contact me before class to let me know and I will switch you to the following class session's panel. However, using this option more than once during the semester will result in a lowering of your final grade. If you miss a class session when your panel was on call, I will call on you during the following class session.

Review Assignments

You will be completing several types of review assignments designed to improve your performance. The due dates for the assignments appear in the modules section.

Each assignment is worth the same number of points as time I have indicated you should spend completing them. For example, a 15-minute assignment is worth 15 points, while a 30-minute assignment is worth 30 points. I will grade these assignments on a P/F basis. To receive credit for an assignment, you must submit an answer of sufficient quality to receive a passing grade on an exam.

You must submit the assignments on time to be eligible for full credit. However, you may receive half credit for assignments 1 and 3, so long as you turn them in within 24 hours of the deadline. We will be discussing assignment 2 and 4 in class. As a result, you may receive half credit for that assignments so long as you turn it in before the class session.

Final Exam

The final exam will consist of multiple choice and essay questions. You will be allowed to bring your own outline to the exam, defined as any outline to which you have contributed at least 20% and the remainder has been created by students currently enrolled in this section of civil procedure. I have set aside the last class to review the course material, during which time you can ask questions you may have about what we have covered.

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Contact Info & Office Hours

Please come by my office (Worrell 3331) with questions, concerns, or just to chat! My formal office hours are Tuesdays from 1p.m. to 3p.m., but you are also welcome to schedule an appointment for another time by emailing me at [georgemp@wfu.edu \(mailto:georgemp@wfu.edu\)](mailto:georgemp@wfu.edu).

Your TA for this course is Carson Sanford. His office hours are Mondays from 3p.m. to 5p.m. in the Commons. You can reach him by email at [sanfcr23@wfu.edu \(mailto:sanfcr23@wfu.edu\)](mailto:sanfcr23@wfu.edu).

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Course Summary:

Date	Details	Due
Mon Nov 27, 2023	 Course Feedback (https://wakeforest.instructure.com/calendar?event_id=233961&include_contexts=course_69017)	12am

Date	Details	Due
Tue Apr 1, 2025	 <u>Course Feedback</u> (https://wakeforest.instructure.com/calendar?event_id=254861&include_contexts=course_69017).	12am
	 <u>Final Exam Review - Essay Questions</u> (https://wakeforest.instructure.com/courses/69017/assignments/518935).	
	 <u>Mid-Semester Review Assignment</u> (https://wakeforest.instructure.com/courses/69017/assignments/518936).	
	 <u>Review Assignment #1</u> (https://wakeforest.instructure.com/courses/69017/assignments/519015).	
	 <u>Review Assignment #1</u> (https://wakeforest.instructure.com/courses/69017/assignments/551707).	
	 <u>Review Assignment #2</u> (https://wakeforest.instructure.com/courses/69017/assignments/519014).	
	 <u>Review Assignment #2</u> (https://wakeforest.instructure.com/courses/69017/assignments/554309).	
	 <u>Review Assignment #3</u> (https://wakeforest.instructure.com/courses/69017/assignments/519017).	
	 <u>Review Assignment #3</u> (https://wakeforest.instructure.com/courses/69017/assignments/559275).	
	 <u>Review Assignment #4</u> (https://wakeforest.instructure.com/courses/69017/assignments/519016).	
	 <u>Review Assignment #4</u> (https://wakeforest.instructure.com/courses/69017/assignments/564274).	

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[View Progress](#)

▼ **Week 1: Introduction and Subject Matter Jurisdiction**



Monday, Jan. 13: American Court Systems and Overview of the Litigation Process

Read: pp. 3-11, 21-33; FRCP 1, 11; Syllabus



Glannon pp. 3-11.pdf



Glannon pp. 21-33.pdf



Complete: Introductory Survey and NameCoach Entry



Introductory Survey



Class 1 - American Court Systems and Overview of Litigation Process - Part I.pdf



Class 1 - American Court Systems and Overview of Litigation Process - Part II.pdf



Wednesday, Jan. 15: Diversity Jurisdiction & Citizenship

On Call: A-G

Read: pp. 12-18, 43-74



Glannon p 12-18.pdf



Glannon p 43-74.pdf



Class 2 - Diversity Jurisdiction & Citizenship.pdf



▼ **Week 2: Subject Matter Jurisdiction**



Monday, Jan. 20: MLK Day - No Class!

**Wednesday, Jan. 22: Amount in Controversy & Federal Question
Jurisdiction**

On Call: H-J

Read: pp. 74-84, 91-108; 28 USC 1331



28 USC 1331



Class 3 - AIC and Federal Question.pdf



▼ **Week 3: Removal and Personal Jurisdiction**



Monday, Jan. 27: Removal & Intro to Personal Jurisdiction

On Call: K-L, T

Read: pp. 127-44, 147-48, 164-78; 28 USC 1441(a); 28 USC 1446

 **28 USC 1441**

 **28 USC 1446**

 **Class 4 - Removal and Intro to PJ.pdf**



Wednesday, Jan. 29: Specific Jurisdiction (Part I)

On Call: M-S, W

Read: pp. 184-217

 **Class 5 - Specific Jurisdiction (Part I).pdf**



▼ Week 4: Personal Jurisdiction



Monday, Feb. 3: Specific Jurisdiction (Part II)

On Call: A-G

Read: pp. 217-34; Ford Motor Co. Reading

 **Ford Motor Co Reading.pdf**



 **Class 6 - Specific Jurisdiction (Part II).pdf** 

 **Final Exam Question - 2021 - Personal Jurisdiction.pdf** 

Wednesday, Feb. 5: Misc. Bases for Personal Jurisdiction

On Call: H-J

Read: pp. 251-70, 288-303

 **Class 7 - Misc bases for PJ.pdf** 

▼ Review Assignment #1 

Review Assignment #1 will be due Feb. 9 at 11:59pm

 **Review Assignment #1** 
75 pts

 **Review Assignment 1 - Essay Model Answer.pdf** 

▼ Week 5: Venue and Pleadings 

Monday, Feb. 10: Venue

On Call: K-L, T

Read: pp. 367-94

 **Class 8 - Venue.pdf**



THURSDAY, Feb. 13 (1pm in 1101): Forum Non Conveniens & Notice Pleading -- RESCHEDULED CLASS

On Call: M-S, W

Read: pp. 398-417, 421-23, 429-49; FRCP 3, 8(a), 8(d)-(e)

 **Class 9 - FNC & Notice Pleading.pdf**



▼ Week 6: Pleading, Service, and Default



Monday, Feb. 17: Pleading Post-Twiqbal

On Call: A-G

Read: pp. 456-76 (omit note 6 on p.471); FRCP 9(a)-(g), 15(a); EEOC v. Tomorrow's Child Complaint

 **EEOC v Tomorrow's Child Complaint**



 **Class 10 - Pleading post Twiqbal.pdf**



 **Rule 9 Exercise.docx**



Wednesday, Feb. 19: Service of Process and Default

On Call: H-J

Read: pp. 329-50, 361-63, FRCP 4, 55, 60(b)

 Zoom Invitation for Class ⋮

 Class 11 - Service & Default.pdf ⋮

 Rule 4 exercise.pdf ⋮

▼ Week 7: Responding to Pleadings and Review ⋮

Monday, Feb. 24: Defenses and Answers

On Call: K-L, T

Read: pp. 488-98, 505-12; FRCP 8(b)-(d); 12(a)-(c), (e)-(h)

 Class 12 - Defenses & Answers.pdf ⋮

Wednesday, Feb. 26: Mid-Semester Review

On Call: M-S, W

Complete: Review Assignment #2; Feedback Form



Review Assignment #2

78 pts



Mid-Semester Feedback Form



Class 13 - Mid-Semester Review.pdf



Review Assignment 2 - Essay Model Answer.pdf



▼ Week 8: Joinder



Monday, Mar. 3: Joinder of Claims and Parties

On Call: A-G

Read: pp. 601-28; FRCP 13, 18, 20



Class 14 - Joinder of Claims and Parties.pdf



Wednesday, Mar. 5: Advanced Joinder

On Call: H-J

Read: pp. 628-52; FRCP 14(a)-(b), 19, 22, 24



Class 15 - Advanced Joinder.pdf



Optional Practice: Joinder Problem & Joinder Hypos



Joinder Hypos.pdf



Joinder Hypos - Answers.pdf



Joinder Problem.pdf



Joinder Problem Answers.pdf



▼ **Week 9: Spring Break!**



No class this week. Enjoy a well-deserved break!

▼ **Week 10: Supplemental Jurisdiction, Dismissals, and Discovery**



Monday, Mar. 17: Supplemental Jurisdiction and Dismissals

On Call: K-L, T

Read: pp. 969-80; 28 USC § 1367



28 U.S.C. § 1367



Class 16 - Supplemental Jurisdiction & Dismissals.pdf



Wednesday, Mar. 19: Scope of Discovery

On Call: M-S, W

Read: pp. 749-50, 760-92; FRCP 26(a)(1), b)(1)-(2), & (e)

 **Class 17 - Scope of Discovery.pdf** 

▼ **Week 11: Discovery and Summary Judgment** 

Monday, Mar. 24: Discovery Devices

On Call: A-G

**Read: pp. 806-38, 845-47 ; FRCP 30(a), (d), & (g), 33, 34, 36, 26(c) & (g);
37(a)**

 **Class 18 - Discovery Devices.pdf** 

 **Discovery Device Chart.docx** 

Wednesday, Mar. 26: Summary Judgment

On Call: H-J

Read: pp. 980-94, 1002-05; FRCP 56(a)-(c)

 **Class 19 - Summary Judgment.pdf** 

▼ **Review Assignment #3**



Review Assignment #3

78 pts



Review Assignmnet 3 - Essay Model Answer.pdf



▼ **Week 12: Jury Trials**



Monday, Mar. 31: Jury Right and Judgment as a Matter of Law

On Call: K-L, T

Read: pp. 1053-82; FRCP 38, 47, 48, 50



Class 20 - Jury Right and JMOL.pdf



Dispositions Chart.docx



Wednesday, Apr. 2: Post-Trial Challenges

On Call: M-S, W

Read: pp. 1109-39; FRCP 59-61



Class 21 - Post-Trial Challenges.pdf



Rule 60 Hypos.pdf



▼ Week 13: Trying Again



Monday, Apr. 7 - Appeals and Claim Preclusion

On Call: A-G

Read: pp. 1143-55, 1181-86, 1189-1205; FRCP 54(b); FRAP 3(a), 4(a)
(1)-4)



FRAP 3(a)



FRACP 4(a)(1)-(4)



Class 22 - Appeals and Claim Preclusion.pdf



Wednesday, Apr. 9 - Issue Preclusion

On Call: H-J

Read: pp. 1223-30, 1244-56



Class 23 - Issue Preclusion.pdf



▼ Week 14: Choice of Law and Review



Monday: Apr. 14 - Choice of Law

On Call: K-L, T

Read: pp. 871-909

 **Class 24 - Choice of Law.pdf** 

Wednesday, Apr. 16: FIELD DAY! (Review) (meet in 1312)

On Call: M-S, W

Complete: Review Assignment #4

 **Review Assignment #4** 
54 pts

 **Review Assignment 4 - Essay Model Answer.pdf** 

▼ **Week 15: No Class - Optional Review** 

Monday, Apr. 21: No Class!

Wednesday, April 23: Optional Review Session (10am in 1107)

 **Final Exam Review Session.pdf** 

 **Kitchen Sink Review Problem.pdf** 

▼ Final Exam Resources



Instructions

 **Spring 2025 Final Exam - Instructions.pdf** 

Practice Essays

 **Diversity Jurisdiction Review Question.pdf** 

 **Diversity Jurisdiction Review Question - Answer.pdf** 

 **SMJ and Removal Review Question.pdf** 

 **SMJ and Removal Review Question - Answer.pdf** 

 **Personal Jurisdiction Review Question .pdf** 

 **Personal Jurisdiction Review Question - Answer.pdf** 

 **Venue Review Question.pdf** 

 **Venue Review Question Answer.pdf** 

 **Notice and Service of Process Review Question .pdf** 



Notice and Service of Process Review Question Answer .pdf



Default and Rule 12 Review Question.pdf



Default and Rule 12 Review Question Answer.pdf



Joinder and Impleader Review Question .pdf



Joinder and Impleader Review Question Answer.pdf



Supplemental Jurisdiction Review Question.pdf



Supplemental Jurisdiction Review Question Answer.pdf



Discovery Review Question.pdf



Discovery Review Question Answer.pdf



Jury Trial and JMOL Review Question.pdf



Jury Trial and JMOL Review Questions Answers.pdf



WeightofEvidence and Mistakes at Trial Questions.pdf



WeightofEvidence and Mistakes at Trial Questions Answers.pdf



Appeals Review Question.pdf





Appeals Review Question Answer.pdf



Preclusion Review Question.pdf



Preclusion Review Question Answer.pdf



Choice of Law Review Question.pdf



Choice of Law Review Question Answer.pdf

